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UNCLAS SECTION 01 OF 03 THE HAGUE 001533

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COMMERCE FOR BIS (GOLDMAN)

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WINPAC FOR LIEPMAN

E.O. 12958: N/A

TAGS: PARM PREL CWC

SUBJECT: CHEMICAL WEAPONS CONVENTION (CWC) - DISCUSSION

WITH AFRICA GROUP ON RABTA CONVERSION

REF: A. THE HAGUE 1512

1B. SECSTATE 132224 (NOTAL)

This is CWC-78-04

11. (SBU) Summary: Representatives of Morocco, Tunisia and Sudan provided strong support for the proposed technical change to permit conversion of the Libyan chemical weapons production facility at Rabta, although Tunisia and Sudan emphasized that they would need to await instructions from capitals. The Algerian delegate characterized the initiative as "very positive," but was more cautious in expressing support. The South African representative was clearly the most reserved, and from our perspective a demarche in Pretoria on the merits of the proposal would be particularly useful. The Libyan Ambassador subsequently informed OPCW PermRep Javits that she would ask her Ministry to press the case with the governments noted above, as well as key countries such as Germany and France, on the importance of the proposed technical change. End Summary.

12. (U) Amb. Javits began the June 18 meeting by noting the desire of the U.S., U.K., Italy and Libya to preview the proposed technical change with key members of the Africa Group. Libyan Ambassador Zakia A.M.Sahli then provided copies of the text of the proposed technical change to Part V of the Verification Annex and put forth the request that the countries participating in the meeting consider co-sponsoring the proposal when it is formally submitted. She emphasized that the conversion would allow the Rabta facility to produce important pharmaceuticals and assist people in African countries in particular. Sahli added that such a change would also encourage other countries to consider acceding to the CW Convention. Martin Rudduck of the U.K. then briefly commented that of the various available options, this was the "right way" to proceed on Rabta conversion. Gianpaolo Malpaga of Italy emphasized the humanitarian goals promoted by the proposal.

13. (U) Following a detailed presentation of the proposal by Amb. Javits, Hela Lahmar of Tunisia responded that Africa clearly would benefit from the proposal, and while she would need to get approval from Tunis, she thought the proposal deserved support. Ali Elsadig Ali Al-Hussein of Sudan noted that his Ambassador had said at the last Executive Council session that Sudan supports the Libyan decision to accede to the CWC. Moreover, the Africa Group had pledged its support to Libya. This proposal, continued Al-Hussein, is the chance to provide concrete proof of that support. He concluded by stating that his initial reaction to the proposal is very positive, and while he would need approval from his capital, he believed Sudan would support the initiative.

14. (U) Nour El Houda Benomar of Morocco also expressed full support for the proposal, and noted that Morocco had emphasized in past Executive Council sessions the importance of promoting peaceful uses of chemistry. Without any caveats about instructions, Benomar flatly said that the group could count on Moroccan support. Aheene Boukhemis of the Algerian delegation also characterized the initiative as very positive. However, he then commented that this is a critical legal matter on which Algeria would need more information, and he would need to see how his capital would view the proposal. Finally, Peter Makwarela of the South African delegation said he would need time to consider the proposal and stressed that many of the issues involved with the technical change were not clear. He noted that the next Africa Group meeting will be on June 23, so there is sufficient time to assess the proposal and await instructions from Pretoria.

15. (U) Amb. Javits and the U.K. and Italian representatives then fielded a variety of questions, most of which came from Makwarela:

-- Responding to a question from Makwarela, the Ambassador also noted that the technical change would not automatically grant the conversion request, but would merely allow the

Executive Council to consider requests for conversion.  
-- Makwarela then asked about the precedent that was cited in the briefing (concerning notification requirements for transfers of saxitoxins), and Malpaga noted that the precedent concerns the use of a technical change. Whether Libya or any new SP in the future would get approval for a conversion request is an issue to be addressed by the EC and CSP. After additional comments from Makwarela on this point, Amb. Javits re-emphasized that the proposal would simply remove the prohibition on considering conversion requests. States Parties retain the authority to make the decision.

-- Makwarela stressed that maintenance of the "sanctity of the Convention" is important to South Africa. Amb. Javits replied that the sponsors clearly shared that view, and stressed that the proposal does not affect the Convention, but one item in the Verification Annexes.

-- Makwarela inquired whether the Rabta request could be de-linked from the technical change, to which Amb. Javits replied that there can be no action on the Rabta request without the change.

-- Makwarela said he has a problem with changing the provisions of the Convention, expressing a concern about "leaving the door open for everyone." Amb. Javits emphasized that this is not the case. The focus is on addressing what has become a deterrent to countries joining the CW Convention. Rudduck chimed in, emphasizing that the decisions are still made by the Executive Council and the Conference of States Parties.

16. (U) As for the issues raised by the other participants:

-- In response to a question from Benomar, Amb. Javits went through an extensive discussion of the processes involved in the technical change, drawing on the guidance from Washington.

-- Lahmar asked if the sponsors of the proposal were aware of any states parties opposed to the technical change. Amb. Javits replied that there are numerous questions as the initiative is still in the early stages of consideration.

-- Responding to a question from Lahmar on why this change had not been addressed previously, the Ambassador replied that the provision had been included in its original form to encourage people to join the Convention. However, it had now turned into a deterrent to acceding to the Convention. In response to a follow-on question about whether this had been addressed at the 2003 Revue Conference, the Ambassador noted that this issue had never arisen, and only arose now due to Libyan accession.

-- Replying to a suggestion from Boukhemis that it might be wise to get legal advice on the issue, Amb. Javits said that any of the sponsors would be willing to provide their opinion that this process would be legal, as we want this to be not only legal, but transparent. Makwarela suggested that it might be helpful to get an opinion from the Legal Advisor of the OPCW, and Amb. Javits said he anticipates no problem and would support the Legal Advisor providing such an opinion, if it were requested.

17. (U) The discussion ended on a very positive note, with Benomar reiterating strong support for the proposed technical change, emphasizing the purpose of the requested conversion and Morocco's commitment to Libya. On behalf of the sponsors of the initiative, Amb. Javits expressed appreciation for the interest shown by all the participants and reiterated the hope that they would support the proposal.

18. (SBU) In a follow-up conversation, the Libyan Ambassador informed Amb. Javits that she would press Tripoli to demarche the African Group delegations that had participated as well as other key delegations, such as Germany and France.

19. (U) Javits sends.  
SOBEL